

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CITY OF RIVER ROUGE, et al.,

Plaintiffs,

Hon: AVERN COHN

v.

Case Nos. 04-74653
04-74654
05-71074

UNITED STATES STEEL CORPORATION,

Defendant.

_____ /

ORDER ON MOTIONS IN LIMINE

This is an environmental air pollution case brought by the citizens of River Rouge and Ecorse and the cities. The case has been certified as a class action. Plaintiffs claim that emissions from defendant's steel mill contain particulate matter from the steel-making process that settles on their property creating a nuisance and causing property damage. The claims are set forth in the Second Amended Master Class Action Complaint.

On September 17, 2007, the Court held a status conference on the record to discuss the pending motions in limine and rule on each motion. This order further memorializes the Court's rulings.

Plaintiffs' Motions:

Plaintiffs' Motion to Strike the Testimony of Ronald Hawks (#111) is DENIED.

Plaintiffs' Motion in to Strike the Testimony of Robert M. Powell (#107) is DENIED.

Plaintiffs' Motion to Strike the Testimony of Barbara Beck (#116) is HELD IN ABEYANCE pending completion of the Joint Final Pretrial Order.

Plaintiffs' Motion to Strike the Testimony of Alan M. Greenberg (#106) is DENIED.

Plaintiffs' Motion to Strike the Testimony of Eva Gronowska (#110) is HELD IN ABEYANCE pending defendants furnishing plaintiffs a hard copy list of documents which Gronowska would authenticate (will likely be moot).

Plaintiffs' Motion to Strike the Testimony of Robert H. Kimble (#114) is DENIED.

Defendants' Motions:

Defendants' Motion in Limine to Exclude the Toxicology Opinions of Plaintiffs' Expert Witness, Rick P. Harding, Ph.d. (#119 & 81) is DENIED.

Defendants' Motion in Limine to Exclude Exhibit J of the Report of Plaintiffs' Expert Witness, Rick P. Harding, Ph. D. (#115 & 80) is HELD IN ABEYANCE. The motion is premature. Defendants shall await the final form of Exhibit J.

Defendants' Motion in Limine to Exclude Evidence of Soil Sampling Conducted by Plaintiffs' Expert Witness, Rick P. Harding, Ph. D. (#105 & 76) is DENIED.

Defendants' Motion in Limine to Exclude Evidence of Plaintiff Class Members' Survey Responses (#112 & 79) is GRANTED.

Defendants' Motion in Limine to Exclude Evidence of Permit and Regulatory Violations (#103 & 75) is HELD IN ABEYANCE pending completion of the Joint Final Pretrial Order.

Defendants' Motion for Partial Summary Judgment of Plaintiffs' Claims Under Part 201 of the Natural Resources and Environmental Protection Act (#108 & 77) is GRANTED.

Defendants' Motion for Partial Summary Judgment as to Whether Defendant was The Source of Air Pollution Found in Plaintiffs' Environment (#117) is DENIED AS MOOT based on plaintiffs' counsel's representations.

Defendants' Motion for Leave to File Excess Pages in Order to File One Non-Repetitive Omnibus Response to Plaintiffs' Six Pending Motions (#122 & 84) is DENIED AS MOOT.

SO ORDERED.

Dated: September 19, 2007

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, September 19, 2007, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160